

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

DAVID WILSON,

Petitioner,

v.

**Civil Action No. 3:07cv164
(Judge Bailey)**

K. DEBOO, Warden,

Respondent.

**ORDER GRANTING IFP BUT DIRECTING
PETITIONER TO PAY THE \$5.00 FILING FEE**

On December 13, 2007, the *pro se* petitioner initiated this case by filing an Application for Habeas Corpus Pursuant to 28 U.S.C. § 2241. This case is before the undersigned on the petitioner's Motion to Proceed In Forma Pauperis ("IFP").

All litigants are required to pay the costs and fees associated with civil lawsuits unless their financial condition warrants a grant of IFP status pursuant to 28 U.S.C. § 1915. Therefore, if a petitioner submits a certified copy of his trust fund statement for the six-month period immediately preceding the filing of the action, then the Court may consider his request.

In this case, the petitioner asserts in his affidavit that he is not employed and that he has no assets, but acknowledges that he receives monetary gifts from outside sources. The ledger sheets to the petitioner's inmate account confirm the petitioner's statements in his affidavit. In fact, the petitioner's ledger sheets show that during the six months preceding the filing of this action, the petitioner's inmate account received average monthly deposits of \$190.83.

Accordingly, although the Court finds that the petitioner is a pauper and **GRANTS** his IFP

motion (dckt. 4), because the petitioner receives sufficient funds to pay the \$5.00 filing fee, he will be required to pay that fee within **twenty (20) days** from the date of this Order. The failure to do so could result in the dismissal of this case without further notice.

IT IS SO ORDERED.

The Clerk is directed to send a copy of this Order to the *pro se* petitioner.

DATED: January 8, 2008.

John S. Kaull

JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE